

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-cv-60431-LEIBOWITZ/AUGUSTIN-BIRCH

YOLANDA GASKIN,

Plaintiff,

v.

HEALTHTRUST WORKFORCE
SOLUTIONS,

Defendant.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

THIS CAUSE is before the Court on United States Magistrate Judge Panayotta Augustin-Birch's Report and Recommendation on Defendant's Motion for Adverse Inference [ECF No. 50] (the "R&R"). [ECF No. 66]. Judge Augustin-Birch recommends denying Defendant's Motion for Adverse Inference. [ECF No. 66]. The parties did not file any objections to the R&R, and the time to do so has passed. After careful review of the filings, the applicable law, and the record, the Court adopts Judge Augustin-Birch's R&R in its entirety.

"In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." *Macort v. Prem, Inc.*, 208 F. App'x 781, 783 (11th Cir. 2006) (cleaned up). The objections must also present "supporting legal authority." S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives "objections meeting the specificity requirement set out above," it must "make a *de novo* determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." *Macort*, 208 F. App'x at 783–84 (cleaned up). To


the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up).

The parties have not submitted any objections to Judge Augustin-Birch's R&R, and the time to do so has passed. As such, the Court has reviewed the R&R for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Augustin-Birch's R&R is thorough, cogent, and compelling. The Court adopts the R&R in its entirety.

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. Magistrate Judge Augustin-Birch's R&R [ECF No. 66] is **AFFIRMED AND ADOPTED.**
2. Defendants' Motion for Adverse Inference [ECF No. 50] is **DENIED.**

DONE AND ORDERED in the Southern District of Florida on March 28, 2025.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record